

Amendments to the Drawings:

The attached sheet of drawings includes new Figures 3 and 4.

Attachment: 2 New Sheets

REMARKS

Reconsideration of the application in view of the above amendment and the following remarks is respectfully requested.

Drawings – two new sheets of drawings, including new Figures 3 and 4, are presented herewith for approval. Support for the new Figures can be found on page 5, lines 7-21, and claims 10-12, 14 and 17 as originally filed. No new matter is introduced by the new figures.

The Examiner objects to the drawings because the “layer of absorbing material” of claim 17 and the “layer of glue” of claim 10 are not shown in any of the figures. In response, Applicant submits herewith new Figure 3 and Figure 4. Figure 3 illustrates an embodiment wherein a layer of adhesive material 10 is positioned on the top surface 8 of the composite sheet. Figure 4 illustrates another embodiment having an absorbing layer 12 on the top surface 8 and a layer of glue 10 is positioned on top of the absorbing material 12. Applicant therefore requests that the objection withdrawn.

Claims 1-21 are pending. Claims 1, 10-12, 15-16, 18-19 and 21 are amended. Claims 14 and 17 are canceled. Claims 37-44 are new. Support for the amendment can be found, for example, on page 5, lines 7-21 and Figure 1. No new matter is introduced by way of this amendment. Claims 22-35 are canceled without prejudice to a future filing of a continuation application.

The Examiner rejects claims 17-21 under 35 U.S.C. §112, second paragraph as being indefinite. Claim 17 has been canceled. The feature of the absorbing material, which is the subject matter of claim 17, is now incorporated in claim 1. Claim 1 as amended clearly points out the location of the absorbing material being on the top outer surface of the first layer of the sheet. Additionally, claims 18-19 and 21 are also amended to be dependent from currently amended claim 1. Applicant therefore respectfully submits that this ground of rejection be withdrawn.

The Examiner further rejects claims 10-13 and 17-21 under 35 U.S.C. §112, second paragraph as being incomplete for omitting essential structural cooperative relationships of elements. As noted above, claims 1 has been amended to incorporate the subject matter of claim 17. Claims 10-12 are amended to clearly point out that a layer of glue can be an additional

element of the composite sheet for purpose of facilitating with laying a flooring material over the top outer surface of the composite sheet. In particular, claim 11 is directed to a glue layer positioned on top of the layer of absorbing material. Support for this amendment is on page 5, line 13-15 of the specification. Moreover, a glue layer may also be present on the bottom outer surface to facilitate with laying of the composite sheet on a substrate such as a floor. Therefore, claim 12 is directed to a glue layer positioned on the bottom surface of the sheet in regions where there is no foam material. Applicant submits that current claims 10-13 and 18-21 clearly point out the spatial correlations between the claimed elements. Accordingly, Applicant respectfully requests that this ground of rejection be withdrawn.

Claims 1-16 are rejected under 35 U.S.C. §102(b) as being anticipated over U.S. Patent No. 4,698,238 to Harkins (hereafter "Harkins"). Specifically, the Examiner is of the position that Harkins describes a composite web having "two parallel webs impregnated with a solidified resinous[sic] and separated from each other by a core layer of solidified resinous composition which is bonded to the resinous composition used to impregnated the fiber glass layers." The Examiner further alleges that Harkins teaches "foamable layer above the base web", which is considered as an equivalent of the foam material of claims 14-16.

Claim 1 has been amended to include the feature of a foam material on the bottom outer surface of the second layer of the composite sheet, and the feature of an absorbing material on the top surface of the first layer of the composite sheet. Harkins does not disclose or teach the absorbing material, as explicitly acknowledged by the Examiner in the rejection of claims 17-21, the details of which will be further discussed below. Additionally, the Examiner does not provide any support to substantiate the assertion that the "foamable layer" in Harkins' is the equivalent of the foam material in the present application. Harkins briefly mentions a "foamable layer" as a spread-on layer of decorative material. Harkins does not teach or suggest the chemical identity of the foamable layer. It would appear, however, that the foamable layer in Harkins is positioned on top of the web as a decorative layer. In contrast, the foam material of claim 1 and new claim 37 are on the bottom surface of the sheet, which serves to correct the irregularities of the substrate onto which the sheet is laid. There is no disclosure in Harkins that will teach or suggest a foam material as recited in amended claim 1 and new claim 37. Likewise,

claims 2-13 and 15-16 are also novel in view of Harkins because they further limit claim 1. Applicant therefore respectfully requests that this ground of rejection be withdrawn.

Claims 17-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Harkins in view of U.S. Patent No. 4,853,280 to Poteet (hereafter "Poteet"). Specifically, the Examiner is of the opinion that, Harkins does not teach an absorbing material, and Poteet teaches a backing layer which "comprises a nonwoven fabric". The Examiner asserts that, because Harkins and Poteet both describe flooring material, it is obvious to one skilled in the art to modify the structure in Harkins by providing a backing layer which "can be pulled from the floor wherein adhesive have been used."


Applicant traverses this ground of rejection because there is no indication or suggestion that the backing layer in Poteet is an absorbing material, into which an adhesive layer can be absorbed. In fact, it would appear that the release backing layer is readily detachable from a glue layer and is in no way absorbs a glue layer. As Poteet described in col. 1, lines 53-62, a release backing layer is used in conjunction with pressure sensitive adhesive. When a carpet is "pulled from the floor", the adhesive layer is separated from the release back layer and left on the floor in a tacky state and ready for another installation. The release backing layer prevents the structural integrity of the carpet from being compromised by the mechanical stress incurred during the carpet removal. A release backing layer such as the one described in Poteet is by definition separable from the adhesive layer. In contrast, claim 1 as amended (incorporating claim 17) and new claims 33-45 are directed to a composite sheet having an absorbing material into which a glue layer can be absorbed. This feature is not taught or suggested in either cited reference. Accordingly, Applicant respectfully submits that Harkins or Poteet, either alone or in combination cannot render claims 17-21 obvious. Applicant therefore respectfully requests this ground of rejection be withdrawn.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Application No. 10/729,363
Reply to Office Action dated September 16, 2005

All of the claims remaining in the application are now clearly allowable.
Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,
SEED Intellectual Property Law Group PLLC



Hai Han, Ph.D.
Registration No. 54,150

HXH:lcs

Enclosures:

Postcard
2 New Sheets of Drawings (Figures 3 & 4)

701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
Phone: (206) 622-4900
Fax: (206) 682-6031

692497_1.DOC